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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,606	08/18/2003	Rene Mattern	FA1093USNA	4930

23906 7590 05/19/2006

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
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WILMINGTON, DE 19805

EXAMINER

SELLMAN, CACHET I

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,606	Applicant(s) MATTERN ET AL.	
	Examiner Cachet I. Sellman	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/5/04, 11/10/04, 7/19/04, 4/1/04,</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification is missing a section, which gives a brief description of the drawings.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

Art Unit: 1762

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).**(i) DETAILED DESCRIPTION OF THE INVENTION.****(j) CLAIM OR CLAIMS** (commencing on a separate sheet).**(k) ABSTRACT OF THE DISCLOSURE** (commencing on a separate sheet).**(l) SEQUENCE LISTING** (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).***Claim Objections***

2. Claims 2 and 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 requires that the restricted wavelength of the NIR radiation range from 750 – 1800nm but in claim 1 the applicant requires that the restricted radiation is primarily in the range from 750 – 1200 nm. Therefore Claim 2, which has the range of 750 – 1800nm, does not further limit claim 1 from which it depends which has the range of 750 – 1200 nm. Claim 6 depends from cancelled claim 5 therefore it does not further limit the previous claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Emch (US 2002/0071918 A1) in view of Rekowski et al. (US 2003/0031804 A1) and Talmore (US 5707401).

Emch discloses a process for coating a substrate by first applying a powder coating to the surface (abstract) then treating the surface with NIR having a wavelength from 0.7 – 7 micrometers (700 – 4000 nm).

Emch does not teach using a filter coated with borosilicate glass, silica glass or vitreous ceramic to restrict the wavelength to 250 – 3000 nm, wherein the restricted NIR radiation has a wavelength ranging from 750 – 1200 nm as required by **claim 1**.

Rekowski et al. discloses a process for powder coating a substrate, such as a car [00021] and curing the coating by using NIR radiation in the wavelength of 760 – 1500 nm (abstract). Rekowski further discloses that curing in this range results in coatings having rapid curing, sufficient hardness and a good surface quality [0007].

Talmore discloses the use of filters coated with borosilicate glass to restrict wavelengths in the range of 750 – 1200nm and that the angle of the filter

Art Unit: 1762

can be varied in order to change the transmittance (column 3, lines 65-67 and column 4, lines 1-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Emch to include using the wavelengths of Rekowski by using the filter of Talmore. One would have been motivated to do so because both Emch and Rekowski et al. disclose processes for powder coating a three dimensional object such as a car and irradiating the coating with NIR. Rekowski et al. further discloses that using wavelengths in the range of 760- 1500 nm results in rapid curing, sufficient hardness and good surface quality and Talmore teaches using filters coated with borosilicate to restrict wavelengths to within that range therefore one would have a reasonable expectation of success in irradiating the powder coating.

As stated above the wavelength is restricted to a range from 760 – 1500 nm as required by **claim 2**. Emch teaches the use of combined radiation and a heated convection oven to treat the coating [0049] as required by **claims 3 and 4**. Rekowski et al. discloses that the coating is cured within no more than 60 seconds [0065] as required by **claim 7**. Emch discloses that the coating is applied to an automobile [Fig. 2 and 0003] as required by **claim 8**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cachet I. Sellman whose telephone number


Art Unit: 1762

is 571-272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cachet Sellman
Patent Examiner
AU 1762



TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER